

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

PENNY SHERMAN,

Plaintiff,

v.

Case No. 19-10939

Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ACCEPTING REPORT AND  
RECOMMENDATION [#16] AND DISMISSING ACTION**

This matter comes before the Court on Magistrate Judge David R. Grand's Report and Recommendation. [ECF No. 16] Plaintiff filed this action on March 29, 2019, asking this Court to review the Commissioner's final decision to deny her claim for Disability Insurance Benefits according to § 216(I) and 223 of the Social Security Act and 42 U.S.C. §§ 416(I) and 423 and for Supplemental Security Income according to §§ 1611 and 1614 of the Social Security Act, 42 U.S.C. §§ 1381(a) and 1382(a). The Magistrate Judge entered the Report and Recommendation on March 11, 2020, wherein he recommended that the Court grant the Commissioner's Motion for Summary Judgment, deny Plaintiff's Motion for Summary Judgment, and dismiss Plaintiff's cause of action. Neither party filed any objections to the Report and Recommendation.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching her conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if it is supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure

to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above,

**IT IS ORDERED** that the Report and Recommendation [Docket No. 16, filed March 11, 2020] is **ADOPTED** as this Court's findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary Judgment [Docket No. 13, filed September 9, 2019] is **DENIED**.

**IT IS FURTHER ORDERED** that the Commissioner's Motion for Summary Judgment [Docket No. 15, filed November 12, 2019] is **GRANTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED WITH PREJUDICE**. Judgment shall be entered separately.

s/Denise Page Hood  
United States District Judge

DATED: April 15, 2020